

Interview Summary

Application No.
09/025,363

Applicant(s)

David Mark et al

Examiner

Shahnam Sharareh

Group Art Unit

1616



All participants (applicant, applicant's representative, PTO personnel):

(1) Shahnam Sharareh, Examiner

(3) _____

(2) Robert Barrett, Applicant's Representative

(4) _____

Date of Interview Jan 6, 2000

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: 1-20

Identification of prior art discussed:

Schmidl et al US Patent 5,504,072

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Barrett did not agree with the rejection under 102(b) as anticipated by Schmidl, because it does not disclose caloric density of 1.4 Kcal/ml. Mr. Barrett also requested clarification of standing rejections specifically which rejections are considered moot. In reply, Examiner clarifies that all rejections except those discussed in the Advisory Action; Paper No. 9, are withdrawn. Accordingly claims 1-7, 9-13, 15, 17-20 stand rejected under 102(b) as anticipated by Schmidl, and claims 1-20 stand rejected under 103(a) as obvious over Schmidl and Gray. Further, the amendend claim 1 recites an enteral composition having a caloric density of at least 1.4 kcal/ml. There is no indication in the instant claims that the instant enteral composition is in the liquid form. Schmidl disclose enteral compositions that provide 3 to 4 kcal/gram in powder form or 1kcal/ml in liquid form (col 7 lines 33-60.) It is Examiner's position that Schmidl et al provides AT LEAST 1.4kcal/ml. Therefore, the claims stand rejected.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.



FACSIMILE COVER SHEET PTO

FROM: Examiner Sharareh
(tel # 703-306-5400)

ART UNIT: 1616

SERIAL NO: Serial No. 09/025,363 (Attorney Docket
No. P97.1036

TEL. NO: 703-308-3081

TO: Mr. Robert Barrett

COMPANY: Hill & Simpson

FAX NUMBER: 312-876-0898

OF PAGES: 2

(including this page) Attached, please find a courtesy copy of the interview summary regarding the issues we talked about.